

# **EXHIBIT A**



**United States Department of Justice**  
United States Attorney's Office  
Western District of Texas

Faith Johnson Lowry  
Assistant United States Attorney

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June 24, 2021

Paul M. Davis *by email*  
Paul M. Davis & Associates, P.C.  
3245 Main St., Suite 235, #377  
Frisco, TX 75034  
[paul@fireduptxlawyer.com](mailto:paul@fireduptxlawyer.com)

RE: **Salinas v. Pelosi**  
Civil Action No. 6:21-cv-00162-ADA-JCM  
USDC, W.D. Texas (Waco Division)

Dear Mr. Davis:

I am writing regarding the above-referenced case, which you have filed with the United States District Court for the Western District of Texas, to inform you that you have not yet effected service on any of the federal defendants or the United States. Because the federal defendants and United States have not been served as required by the Federal Rules of Civil Procedure, the federal defendants have no deadline to respond to either the First or Second Amended Complaint, and no default may be taken against them. *See, e.g.*, ECF Nos. 93–100.

Under Federal Rule of Civil Procedure 4, when a federal employee is sued in their official and individual capacities, as in the First Amended Complaint, a party must serve the United States and also serve the officer or employee under Rule 4(e) (for individuals in the United States), (f) (for individuals in a foreign country), or (g) (for individual minors or incompetent persons). (When a federal employee is sued only in their individual capacity, as in the Second Amended Complaint, both the United States and the federal employee must be served. Fed. R. Civ. P. 4(i)(3).) An individual may be served by following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made, or by (A) delivering a copy of the summons and of the complaint to the individual personally; (B) leaving a copy of each at the individual's dwelling or usual place of abode with someone of suitable age and discretion who resides there; or (C)

delivering a copy of each to an agent authorized by appointment or by law to receive service of process. *See* Fed. R. Civ. P. 4(e).

To effect proper service upon the United States, compliance with Rule 4(i) of the Federal Rules of Civil Procedure is required. Specifically, Rule 4(i)(1) directs that service upon the United States shall be accomplished by (1) delivery of a copy of the summons and complaint to the United States Attorney for the district in which the action is brought (or upon an employee designated by the United States Attorney in writing filed with the Clerk of the Court in which the action is brought); or (2) by sending the summons and complaint, by registered or certified mail, addressed to the Civil-Process Clerk at the U.S. Attorney's office; and by sending copies of the summons and complaint, by registered or certified mail, to the Attorney General of the United States, United States Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530.

You may accomplish service upon the U.S. Attorney's Office by having the summons and your complaint mailed by certified or registered mail to:

Civil Process Clerk  
U.S. Attorney's Office – Western District of Texas  
601 NW Loop 410, Suite 600  
San Antonio, TX 78216.

At this time, service has not been effected on the United States because the summons and a copy of the complaint were not sent by registered or certified mail or addressed to the Civil Process Clerk of our U.S. Attorney's Office and it failed to contain a summons. Additionally, please be advised that the United States is not among those individuals or entities specified by Rule 4(d)(1) to waive service of a summons.

Service on the individual defendants has also been defective for reasons articulated in ECF No. 132 and because the proof of service on file does not reflect service otherwise in accordance with Federal Rule of Civil Procedure 4. *See, e.g.*, ECF No. 92 (reflecting attempted service on Nancy Pelosi, with return of service signed by "E. Williams").

I hope that you can appreciate that with approximately 1,000 civil complaints filed yearly against the United States in our District, strict compliance on service is required in order to ensure proper tracking and timely responses for these cases. Please perfect service as required by the Federal Rules of Civil Procedure. Until proper service has been accomplished on the federal defendants and the United States, the individual federal defendants are not properly joined to this action, and no answer or responsive pleading is required. Fed. R. Civ. P. 12(a)(2).

Thank you for your attention to this matter.

Sincerely,

Ashley C. Hoff  
United States Attorney

By: /s/ Faith Johnson Lowry  
Faith Johnson Lowry  
Assistant United States Attorney

cc: Via PACER  
U.S. District Clerk's Office